

# **EXHIBIT 5**

**From:** Scalera, Mary Ellen [<mailto:MScalera@RIKER.com>]  
**Sent:** Wednesday, June 05, 2013 11:06 AM  
**To:** Jeffrey Grand; 'Adam Slater'; 'Jillian Roman'  
**Cc:** Crawford, Kelly; Kabbash, Maha  
**Subject:** In re Pelvic Mesh - NJ Deposition Scheduling

Jeff,

In furtherance of our conversation and e-mails, the following is the updated deposition scheduling information on the 12 depositions noticed in the NJ litigation:

- a. Chuck Austin – scheduled for June 13-14 in MDL
- b. Dharini Amin – on vacation on the date scheduled and again in July. She is available after August 6. Please note that she was deposed for a full day on TVT issues as she was not involved in pelvic floor. As such, please reconsider if she needs to be re-deposed at all. If so, one day should be sufficient time.
- c. Zenobia Walji – employed by a different company and resides in Singapore. She is not willing to voluntarily appear for a deposition, and her last known address has been provided to you.
- d. Brian Luscombe – offered for July 29 and 30 in the MDL.
- e. Peter Cecchini – offered for August 14 or 15 in the MDL.
- f. Harlan Weisman – former employee who resides outside of NJ. He is unable to appear on July 16-17, but will make himself available on July 17-18 in Princeton.
- g. Ramy Mahmoud – may be available on July 16-17 (as noticed) or 17-18, but we are still waiting for confirmation.
- h. Axel Arnaud – confirmed for July 19-20.
- i. Allison London Brown – tentatively available for July 30-31 (as noticed), but awaiting confirmation.
- j. Cheryl Bogardus – not a current employee, but has agreed to voluntarily appear on August 30.
- k. Amy Goodwin – former employee of Ethicon, whom we have been unsuccessful contacting. We are still attempting to reach her and produce her voluntarily to ask about her availability on August 6-7 (the noticed dates). If she is not willing to appear voluntarily, we will so advise.
- l. Dr. Jim Hart – available on August 7-8, as scheduled in the MDL.

m. Mark Yale – available on August 7-8 (the noticed dates).

Please let me know if you have any questions or would like to discuss.

As you can see, we have made every effort to both coordinate scheduling and keep the noticed dates when possible.

However, although you advised that the noticed dates were coordinated with MDL Plaintiffs' counsel, there may have been some miscommunication as several dates were different than those previously-scheduled with the MDL Plaintiffs' counsel.

I am sending under separate cover letter minor changes to the other proposed CMO paragraphs.

Thanks.

Mary Ellen

<image001.png>

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